

Our Reference: GDK-100-B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Derek Gauger  
Serial Number: 10/039,999  
Filing Date: October 24, 2001  
Examiner/Art Group Unit: Naresh Vig/3629  
Title: NETWORK BASED, INTERACTIVE PROJECT  
MANAGEMENT APPARATUS AND METHOD

**APPEAL BRIEF**

Mail Stop-Appeal  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

Please enter the following Appeal Brief in the appeal filed on February 2, 2010.

**REAL PARTY IN INTEREST**

The real party in interest is the inventor, Derek Gauger.

**RELATED APPEALS AND INTERFERENCES**

There are no related prior or pending appeals, interferences or judicial proceedings known to appellant or appellant's legal representative.

**STATUS OF CLAIMS**

Claims 1-6, 9, 34, 41, and 52-59 stand rejected by the Examiner in the Office Action dated August 3, 2009 which issued to a response to a Request for Continued Examination filed on March 2, 2009. Claims 7, 8, 9, and 11 are cancelled and withdrawn from consideration. The rejection of claims 1-6, 9, 34, 41, and 52-59 is appealed.

### **STATUS OF AMENDMENTS**

An amendment has not been filed to Office dated August 3, 2009 which issued after Appellant submitted a Request for Continued Examination.

### **SUMMARY OF THE CLAIMED SUBJECT MATTER**

#### **Claim 1:**

As recited in claim 1, an interactive computer method for managing at least one project, includes the steps of:

establishing a plurality of information modules (no. 32, Fig. 2, Pg. 9, ¶93, l 1-11) in an interactive computer software system (Fig. 1, Nos. 12, 14, 16, etc., P.6 ¶66, l 1-7);

activating at least two or more information modules, each information module (P. 9, ¶ 93, l 5-7)operative to store and control information for at least two or more of project planning (no. 32, Fig. 2, P 15, ¶ 128, l 1-9), establishing and tracking project tasks (no. 32, Fig. 2, P 21 ¶ 155 and 156, all lines) allowing access to documents and information in any module (no. 32, Fig. 3, P. 17, ¶ 137, l 1-14), providing issue resolution, reviewing project progress, tracking project finances, (no. 32, Fig. 20, P 32, ¶ 215, l 1-3) scheduling and attending meetings (no. 32, Fig. 2, P 24, ¶ 169, l 1-5), requesting information (no. 32, Fig. 2, P30, ¶205-207), reporting project data (no. 32, Fig. 2, P. 34, ¶227, L 1-5), and controlling changes to project documents (no. 32, Fig. 2, P. 37 ¶241, l1-6);

defining authorized individuals ("Preferences" menu in Fig. 3, P12, ¶¶ 12 and 13) who have access to the interactive computer system providing electronic data interchange for a project;

creating an electronic collaboration center (Fig. 20, p. 27, ¶188) as one of the information modules on the computer software system for the time disjointed electronic interaction (p. 27, ¶188, 1 2-3) of authorized individuals on the project;

defining collaboration approved individuals (“Define Access” box in Fig. 20, ¶189, 1 4) for access to the collaboration center by the authorized individuals;

defining at least one collaboration (Fig. 19 “menu”, Fig. 20, ¶191, 1 1-3) in the collaboration center associated with the at least one project to facilitate resolution of at least one of a project issue and a project problem (“Synopsis of Issue/Problem” box in Fig. 20, ¶189, 1 5) the at least one collaboration including a collaboration leader, a collaboration topic, a collaboration status (“Current Status” box Fig. 20, ¶189, 1 7) and at least one of a text based collaboration summary (“Synopsis of Issue/Problem” box in Fig. 20, P. 28, ¶190, 1 6), and a text based collaboration status statement (“Status Statement” box Fig. 20, ¶194, 1 6-8);

defining access to the collaboration (“Define Access” box Fig. 20, ¶195, 1 1-3) by collaboration approved individuals;

the collaboration containing and allowing access to all information relating to the collaboration (Fig. 20, ¶190, 1 3-5) as a central point of collaboration information

allowing the collaboration leader( ¶189, 1 4-8) to modify at least one of the collaboration summary, (“Synopsis of Issue/Problem” box in Fig. 20, P. 28, ¶190, 1 6), the collaboration status (“Current Status” box Fig. 20, ¶194, 1 6-7) and the collaboration status statement (“Status Statement” box Fig. 20 ¶194, 1 6-7); and

accepting input information( “title box” Fig. 20) at the collaboration center from the authorized individuals to facilitate resolution of at least one of a project issue and a project problem (“Synopsis Issue/Problem” box Fig. 20) of the collaboration.

### **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 1-6, 9, 34, 41 and 52-59 are rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the Appellant regards as the invention..

Claims 1-6, 9, 34, 41 and 52-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Patent 5,765,140) in view of Jenkins (US Patent 7,213,030).

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Patent 5,765,140) in view of Jenkins (US Patent 7,213,030) and Cohen et al. (US Patent 6,507,845).

### **ARGUMENTS**

#### **I. Rejection of claims 1-6, 9, 34, 41 and 52-59 under 35 U.S.C. §112, second paragraph.**

The Examiner rejects the claims under 35 USC §112, second paragraph, that the invention, as currently claimed, is not clear which limitations are performed by the interactive computer, which limitations are performed by human.

However, it is respectfully submitted that Appellant’s invention as set forth in claim 1, and the claims depending therefrom, clearly and particularly points out which steps are performed by the interactive computer, and which are performed by a human. The Examiner

correctly notes that the computer method of the present invention is an interactive computer method. This means that the computer method and humans interact to perform the method steps set forth in the claims, and, in particular, claim 1.

With respect to claim 1, the steps of establishing a plurality of information modules, activating at least two of the information modules and creating an electronic collaboration center as one of the information modules would clearly be recognized by one of ordinary skill in this art to be part of the interactive computer system as these steps provide the capability for the functions of the collaboration center set forth in the remainder of claim 1.

The steps of defining authorized individuals, defining collaboration approved individuals, defining collaboration with one of a project issue and a project problem, a collaboration leader, a collaboration topic, a collaboration status and at least one of a collaboration summary and a collaboration status statement, as shown in Fig. 20, are clearly inputs from individuals authorized to participate in the collaboration.

In many steps, the computer system provides the capability for taking a claimed action based on an input from a human, such as a selection of a project leader, defining authorized collaboration individuals, choosing a collaboration topic, etc.

Thus, it is submitted that the claims clearly and particularly point out which steps of the method are performed by the computer and which are performed by humans. Accordingly, it is respectfully submitted that the Examiner's rejection of the claims under 35 USC §112, second paragraph, is erroneous and its reversal is respectfully requested.

**II. Rejection of claims 1-6, 9,34,41 and 52-59 are rejected under 35 U.S.C.§103**

**Knudson over Jenkins**

The Examiner contends that Knudson in view of Jenkins teaches capability for, among other elements:

“creating an electronic collaboration center as one of the information modules on a computer software system for the time disjointed electronic interaction of authorized individuals on a project in an individual collaboration”

“defining collaboration approved individuals for access to collaborations”

“defining at least one collaboration in the collaboration center associated with the at least one project to facilitate the resolution of at least one of a project issue and project problem, the at least one collaboration including a collaboration leader, a collaboration topic, collaboration status and at least one of a text based collaboration summary, and a text based collaboration status statement”

“defining access to the collaboration by the collaboration approved individuals”

“the collaboration containing and allowing access to all information relating the collaboration as a central port of collaboration information”

The Examiner cites Knudson in view of Jenkins for these teachings, but fails to disclose specifically where in either Knudson or Jenkins any collaboration center as a subset of an overall project is disclosed. Rather, Appellant submits that Knudson and Jenkins are completely devoid of any teaching or suggestion of a collaboration center or any information module serving a similar function in a method for managing a project which has the features set forth by the Appellant in claim 1 and as quoted above.

Knudson creates a project plan; but then discloses the collection and updating of time sheets relating to the project plan. Revisions to the time sheets are used as feedback to report project progress and to revise the project plan. Knudson is simply a project tasking tool which allows an overall project to be tracked and the plan revised, if necessary, during the project.

Jenkins shows in Figure 2C a hot issues button 260. However, this is merely a tagging of hot issues which is primarily designed for use by CEO's and other senior managers, business people and general counsel to quickly view high significant issues without suffering information overload. In essence, the hot issues routine merely provides a summary list of high profile issues, but no activity or status summary solution or resolution of any of the issues.

In Appellant's invention as set forth in claim 1, and the claims depending therefrom, the collaboration center is created as one of the information modules on the computer software system for the time disjointed electronic interaction of authorized individuals on a project in an individual collaboration has a project issue and project problem. Access to and interaction between individuals in the collaboration is determined by a collaboration leader and collaboration users.

Appellant's collaboration center uniquely enables a particular project issue to be addressed and resolved by a subset of people who participate in the overall project. Specifically, it also provides a summarized view of the pertinent information and status surrounding the particular collaboration allowing individuals to quickly gage critically and ascertain the level of involvement they may need to provide. Thus, the collaboration center is a subset of the overall

project plan and is directed to list, summarize and help solve a particular collaborations or project issues.

This creates a unique opportunity within the overall project plan software system to enable a particular problem to be addressed and resolved by selected individuals without interrupting the entire project flow; while enabling others to view status without searching in multiple areas of the project control system.

Appellant submits that Knudson and Jenkins, while generally associated with tracking a project plan, fail to disclose any element which provides the function of a collaboration center as set forth by the Appellant in the claims.

The collaboration center as defined by the Appellant is accessible only by collaboration approved individuals to facilitate the resolution of at least one project issue or project problem. Collaboration, when invoked by Appellant's method, creates a sub-team within the overall project team of collaboration approved individuals who have access to and who can participate in the collaboration. Further, the collaboration is directed to one project issue or one project problem within the scope of the overall project and typically relates to problem or issue with a task, goal, and/or object in the overall project.

It is respectfully submitted that the Examiner has not established a *prima facie* case of obviousness to support a rejection of the collaboration center features described above and set forth in claim 1 in view of any permissible combination of Knudson and Jenkins.

Since Knudson and Jenkins are devoid of any teaching or suggestion of a collaboration center having the features of Appellant's invention as set forth in claim 1, Knudson and Jenkins



cannot be said to teach the remaining features of Appellant's invention set forth in claim 1 pertaining to the collaboration center accepting input information from authorized individuals, providing the collaboration center and individual collaborations with the capability of receiving documents and updating a document information module within the documents, providing the collaboration center and the collaboration individuals with the capability of defining tasks as an action plan for resolution of one of the project issues and project problems, and updating the project tasks information module with the defined task in the individual collaboration.

For these reasons, Appellant's invention as set forth in claim 1, and claims 5-6, 9, 34, 41 and 52 -59 which depend directly or indirectly therefrom is submitted to patentably define over Knudson and Jenkins and is not rendered obvious by any permissible combination of these references.

With specific regards to claims 2 and 3, the Examiner contends that Knudson or Jenkins teach the features set forth in claims 2 and 3. However, since Appellant has demonstrated that Knudson and Jenkins lack any teaching or suggestion of a collaboration center, the features of the collaboration center set forth in Appellant's claims 2 and 3 are submitted to be also lacking in Knudson and Jenkins.

With respect to claim 4, the Examiner contends that, while Knudson and Jenkins do not explicitly recite accepting votes for an issue, it is old and well known that in business meetings, team leaders, and in Project Manager to solicit votes from authorized team members to make an educated decision, gauge popularity of emotion, etc. From this the Examiner concludes that one

of ordinary skill in the art would have known to modify Knudson in view of Jenkins to solicit votes from authorized team members.

Absent a collaboration center in Knudson and Jenkins, it is respectfully submitted that one of ordinary skill in the art would have not considered it obvious to modify Knudson or Jenkins to provide for a vote in the collaboration center since the references lack any teaching of a collaboration center.

Thus, it is submitted that Appellant's teaching of the capability for a vote on a collaboration center is part of an overall project plan represents a unique feature which is not taught or suggested by the cited references taken in any permissible combination.

Regarding 5, 6, 9, 34, 52, 53, 54-59, it is respectfully submitted that Appellant's invention as set forth in these claims likewise patentably defines over Knudson and Jenkins since Knudson and Jenkins, taken together, lack a collaboration center and, thus, any of the features of a collaboration center set forth in these claims.

### **III. Rejection claim 41 under 35 U.S.C. §103(a)**

The Examiner contends that it would have been obvious at the time of the invention to modify Knudson in view of Jenkins by adopting the teachings of Cohen to provide an electronic notepad to enable users to make their comments within a document as it applies a known technique to a known device ready for improvement to yield predictable results, known work in one field of inventor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces of the variations would have been predictable to one of ordinary skill in the art.

The Examiner has recited case law but has not applied it to the combination of Knudson, Jenkins and Cohen. The electronic notepad of Cohen makes personal notes available to the entire application team. This is not the same as Appellant's invention as set forth in claim 41 in which authorized individuals can take personal notes about any item of information relating to the project and then attach the personal notes to associated items of information in use in viewing only by the specific authorized individual who created the personal note. Thus, Appellant's personal notes are not made public to all individuals who have access to the project system, but are accessible and usable only by the specific individual who created the notes.

Since the Examiner is prohibited from using Appellant's invention as a teaching for this personal note taking which creates a private accessible only by the person who made the note, it is submitted that the combination of Knudson, Jenkins and Cohen and any modification which would be obvious to one skilled in the art fails to teach or suggest this feature.

Thus, the Examiner's conclusion that Knudson in view of Jenkins and Cohen teaches the capability for attaching personal notes to associated items of information for use only by the authorized individual is erroneous and its reversal is requested.

### **CONCLUSION**

In conclusion, the Examiner's rejection of claims 1-6, 9, 34, 41 and 52-59 are improper and are reversible error. Reversal of the Examiner's rejection s of these claims is respectfully requested.

No oral hearing is requested.

## **APPENDIX A: CLAIMS APPENDIX**

1. An interactive computer method for managing at least one project, the method comprising the steps of:

establishing a plurality of information modules in an interactive computer software system;

activating at least two or more information modules, each information module operative to store and control information for at least two or more of project planning, establishing and tracking project tasks, allowing access to documents and information in any module, providing issue resolution, reviewing project progress, tracking project finances, scheduling and attending meetings, requesting information, reporting project data, and controlling changes to project documents;

defining authorized individuals who have access to the interactive computer system providing electronic data interchange for a project;

creating an electronic collaboration center as one of the information modules on the computer software system for the time disjointed electronic interaction of authorized individuals on the project;

defining collaboration approved individuals for access to the collaboration center by the authorized individuals;

defining at least one collaboration in the collaboration center associated with the at least one project to facilitate resolution of at least one of a project issue and a project problem, the at least one collaboration including a collaboration leader, a collaboration topic, a collaboration status and at least one of a text based collaboration summary, and a text based collaboration status statement;

defining access to the collaboration by collaboration approved individuals;

the collaboration containing and allowing access to all information relating to the collaboration as a central point of collaboration information;

allowing the collaboration leader to modify at least one of the collaboration summary, the collaboration status and the collaboration status statement; and  
accepting input information at the collaboration center from the authorized individuals to facilitate resolution of at least one of a project issue and a project problem of the collaboration.

2. The method of claim 1 further comprising the steps of:  
allowing all authorized individuals to perform at least one of review, submit, author, and change data and to interact with other authorized individuals electronically in the collaboration center.

3. The method of claim 1 further comprising the step of:  
notifying all authorized individuals of a change in at least one of the collaboration purpose, the deadline, the collaboration action plan, and input information.

4. The method of claim 1 further comprising the step of:  
forwarding one of a question and an issue involving at least one element of the collaboration to be decided by all collaboration approved individuals;  
accepting votes of collaboration approved individuals for the issue on at least one element of the collaboration;  
making a decision by the collaboration leader on the issue based in part on the votes; and  
displaying the results of the vote.

5. The method of claim 1 further comprising the step of:  
maintaining and displaying at least one of the collaboration summary, the collaboration status, and the collaboration status statement of each collaboration.

6. The method of claim 1 further comprising the steps of:  
providing the collaboration center with the capability of receiving  
documents attached to authorized individual responses.

7.-8. (Cancelled)

9. The method of claim 1 further comprising the step of:  
using bi-directional electronic mail interaction between authorized  
individuals and the information modules;  
generating and sending an electronic mail request to an authorized  
individual;  
the authorized individual replying to the software system by electronic  
mail; and  
the information modules automatically documenting the reply and any  
documents attached to the reply in the appropriate information module by updating the  
information in the appropriate information module.

10. – 33.

34. The method of claim 1 further comprising the steps of:  
using bi-directional electronic mail interaction between authorized  
individuals and the information modules;  
generating and sending an electronic mail request to an authorized  
individual;  
providing an electronic mail response capability for at least certain of the  
requests and notifications issued in any of the information modules allowing an authorized user  
to respond to the request and notification by direct electronic mail reply;

the authorized individual replying to the software system by electronic mail; and

the information modules automatically documenting the reply and any documents attached to the reply in the appropriate information module by updating the information in the appropriate information module.

35. - 40. (Cancelled)

41. The method of claim 1 further comprising the step of:  
providing an electronic notepad for each authorized individual to make personal notes about any item of information in the network relating to the project; and  
attaching the personal notes to associated items of information for use only by the authorized individual.

42. - 51. (Cancelled).

52. The method of claim 1 further comprising the step of:  
linking at least two information items in at least two different information modules for bi-directional data navigation between the at least two information items; and  
providing a link to each of the information items allowing the authorized individual to directly navigate to the linked information item in another information module.

53. The method of claim 1 further comprising the steps of:  
defining by a project leader a plurality of organizational categories;  
specifying the name of one authorized individual as the request recipient for each defined organization category for the purpose of defining individuals to which project requests for information relating to the respective organizational category will be routed; and

routing a request for information relating to at least one organizational category from at least one authorized individual to the first request recipient for the organizational category

54. The method of claim 1 further comprising the steps of:

issuing a request for project review by an authorized project individual;

designating a plurality of designated recipients of the review request by an authorized individual;

providing for a reply from the plurality of designated review requests by one in parallel from each designated review recipient and in series from all of the designated review recipients;

providing for the delivery of the review request to the designated recipients in one of:

directly in parallel providing each of the designated recipients with the capability of one of replying to the review request directly, delegating the review request to a designated delegate with the capability for the designated delegate to respond directly to a requestor of the request for review, and delegating the request for review to a designated recipient with the designated recipient's response routed to the designated recipient for review prior to delivery to the requestor;

and to a designated first recipient directly;

providing the first designated recipient of one of replying to the review request for direct delivery, delegating the request for review to a designated delegate with the capability for the designated delegate to respond directly to a requestor of the request for review delegating the request for review to a designated recipient with the designated recipient's response routed to the first designated recipient for review prior to the requestor; and

serially delegating the review request to a next designated recipient having the same reply and delegating options to deliver a reply to requestor.



55. The method of claim 1 further comprising the step of:  
defining at least one of collaboration purpose, a collaboration action plan  
and deadline for the collaboration.

56. The method of claim 52, wherein the linked information modules are at  
least two of an information module project plan, an information module task manager, an  
information module issue manager and an information module collaboration center.

57. The method of claim 52 further comprising the steps of:  
providing a project plan having a plurality of items;  
linking each item to a set of tasks;  
linking any item and task to an issue describing a problem and a call for  
action; and  
linking all of the information and actions associated with the issue to the  
tasks and the project plan item.

58. The method of claim 57 further comprising the step of:  
linking all of the information and actions associated with the issue to the  
collaboration.

59. The method of claim 1 further comprising the step of:  
providing a summary view of the information related to the collaboration.

**APPENDIX B: Evidence**

NONE

**APPENDIX C: RELATED PROCEEDINGS APPENDIX**

NONE